

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE L. CHAO, :
v. : **CIVIL NO. 06-1475**

LOCAL 308, NATIONAL POSTAL :
MAIL HANDLERS, WATCHMEN, :
MESSENGERS AND GROUP :
LEADERS, LABORERS, :
INTERNATIONAL UNION OF :
NORTH AMERICA. :

MOTION FOR ENTRY OF CONSENT ORDER AND SETTLEMENT

By and through her undersigned attorneys, plaintiff Elaine L. Chao, Secretary of Labor (the "Secretary") requests that the Court enter the attached Consent Order and Settlement as an Order of the Court.

On April 7, 2006, the Secretary filed a Complaint in this matter alleging that the defendant Local 308, National Postal Mail Handlers, Watchmen, Messengers, and Group Leaders, Laborers' International Union of North America ("Local 308") conducted certain union elections in violation of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-84 (the "Act"). The Secretary alleged that Local 308's February 19, 2005, election for the offices of Recording Secretary, New Jersey State Executive Board Member, and Delaware State Executive Board member was not in compliance with the Act.

The Complaint requested that the Court enter an Order declaring the election void and directing that Local 308 conduct a new election under the supervision of the Secretary. Such an Order is authorized by the Act itself at 29 U.S.C. § 482(c).

The parties have now agreed to settle the matter pursuant to the attached Consent Order and Settlement. The parties have agreed that the February 19, 2005, election for the offices at issue is now void. The parties further agreed that Local 308 will conduct new elections for the offices at issue – within time frames set out in the agreement – under the supervision of the Secretary. And, the parties have consented to the entry of their agreement as an Order of the Court.

The Secretary therefore requests that the Court enter the attached Consent Order and Settlement as an Order of the Court.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

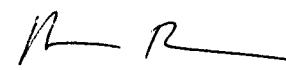
Virginia A. Gibson
VIRGINIA A. GIBSON *MAG*
Assistant United States Attorney
Chief, Civil Division

M. S. Blume
MICHAEL S. BLUME
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Entry of Consent Order and Settlement has been served by first class United States mail, postage prepaid, upon the following:

Stanley M. Poplow
Suite 107 Powell Hall
1100 West Godfrey Avenue
Philadelphia, PA 19141



MICHAEL S. BLUME
Assistant United States Attorney

DATED: 10/7/06

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE L. CHAO,)	
Secretary of Labor,)	
United States Department of Labor)	
)	Civil Action
Plaintiff,)	
)	No. 06-1475
v.)	
)	
LOCAL 308, NATIONAL POSTAL MAIL HANDLERS,)	
WATCHMEN, MESSENGERS AND GROUP LEADERS,)	
LABORERS' INTERNATIONAL UNION OF)	
NORTH AMERICA,)	
)	
Defendant.)	
)	

CONSENT ORDER AND SETTLEMENT

WHEREAS Plaintiff Elaine L. Chao, Secretary of Labor (the "Secretary") brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-84 (the "Act") as applied to the Defendant by the Postal Reorganization Act at 39 U.S.C. § 1209(b), to set aside the February 19, 2005 election for the offices of Recording Secretary, New Jersey State Executive Board Member, and Delaware State Executive Board Member conducted by Local 308, National Postal Mail Handlers, Watchmen, Messengers and Group Leaders, Laborers' International Union of North America ("Local 308") and to request the court to declare such election to be void and to direct Local 308 to conduct new nominations and a new election for such offices under the Secretary's supervision; and

WHEREAS the parties hereby agree to settle and compromise this action on the terms indicated below;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. Within 45 days of the entry of this Consent Order and Settlement, Local 308 will use its best efforts, as determined by the Secretary, to provide the Secretary with a list of the names and last known home addresses for all current members of Local 308. Such best efforts shall include that Local 308 obtain a current mailing list from the United States Postal Service, the National Postal Mail Handlers, Watchmen, Messengers and Group Leaders (National), the Laborers' International Union of North America (International), or from whichever party has or parties that have the most accurate member information.

2. Local 308 shall accept new nominations and conduct new elections for the offices of Recording Secretary, New Jersey State Executive Board Member, and Delaware State Executive Board Member under the Secretary's supervision. This election shall be completed within 120 days from the date of the entry of this Consent Order and Settlement. All aspects of the nominations and the election shall be held pursuant to this Consent Order and Settlement and shall be conducted in accordance with Title IV of the Act and, so far as lawful and practicable, in conformity with the constitution and by-laws of Local 308.

3. The persons elected during the supervised election shall be installed as soon as practicable, after the final tally is completed, and such persons shall serve the

remainder of the term in office, not to exceed the term set for such office by the constitution and by-laws of Local 308.

4. All decisions as to the interpretation or application of this Consent Order and Settlement, and of Title IV of the Act, that relate to the supervised election are to be determined by the Secretary or her representative, and shall be in conformity with the provisions of the constitution and by-laws of Local 308 so far as lawful and practicable.

5. The Court shall retain jurisdiction of this action. After completion of the supervised election, the Secretary shall certify to the Court the names of the persons so elected; that such election was conducted in accordance with Title IV of the Act, and, so far as lawful and practicable, that the election was conducted in conformity with the provisions of the constitution and by-laws of Local 308. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by such certification.

6. All parties consent to the entry of this Consent Order and Settlement as an order of the Court.

7. Each person who signs this Consent Order and Settlement in a representative capacity warrants that he or she is duly authorized to do so.

8. The Consent Order and Settlement may be signed in counterparts.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

**FOR ELAINE L. CHAO,
Secretary of Labor,
United States Department of Labor**

PETER D. KEISLER
Assistant Attorney General

PATRICK L. MEEHAN
United States Attorney

Virginia A. Gibson
VIRGINIA A. GIBSON *MDH*
Assistant U.S. Attorney
Chief, Civil Division

Michael S. Blume
MICHAEL S. BLUME
Assistant U.S. Attorney

**FOR LOCAL 308, NATIONAL
POSTAL MAIL HANDLERS,
WATCHMEN, MESSENGERS
AND GROUP LEADERS,
LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA**

Stanley M. Poplow
STANLEY M. POPLOW, ESQ.
Suite 107 Powell Hall
1100 West Godfrey Avenue
Philadelphia, PA 19141-3345

SO ORDERED, THIS ____ DAY OF ____, 2006:

HONORABLE CYNTHIA M. RUFFE
Judge, United States District Court